

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD BOONE II,

Plaintiff,

Case No. 06-14415

vs.

JUDGE DENISE PAGE HOOD
MAGISTRATE JUDGE STEVEN D. PEPE

TERI FIGHTER, et al

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR A PRODUCTION (DKT. #97)
AND DEFENDANTS' MOTION TO COMPEL ACCESS TO MEDICAL RECORDS (DKT. #89)**

Plaintiff, an inmate in the custody of the Michigan Department of Corrections ("MDOC"), filed this action under 42 U.S.C. §1983, alleging that defendants violated his constitutional and statutory rights under the:

- First Amendment, including religious freedom, freedom of speech and petition, freedom of association, and retaliation concerning his use of the grievance process;
- Eighth Amendment, including deliberate indifference to serious medical needs;
- Fourteenth Amendment, including due process and equal protection claims;
- Americans with Disabilities Act;
- Religious Land Use and Institutionalized Persons Act;
- Rehabilitation Act; and
- 42 U.S.C. §1985.

All pretrial matters have been referred to the undersigned. For the reasons stated below, Plaintiff's Motion to Compel Production (Dkt. #97) and Defendants Dianna Marble, Greg Hutchinson, Kearney, Issacs and Correctional Medical Services' Motion to Compel Access to Medical Records (Dkt.# 89) are GRANTED.

Defendants seek a signed release from Plaintiff in order to access his medical records. Because several of Plaintiffs' claims put his medical condition at issue, his medical records are discoverable. Therefore, Defendants' motion is GRANTED.

Plaintiff seeks a copy of a medical report and summary furnished by these same defendants in response to this Court's March 27, 2007 Order. Plaintiff's motion is GRANTED. A copy of the report and medical records will be served to Plaintiff by the Court with his copy of this Order.

SO ORDERED

Dated: April 30, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify that on April 30, 2007, I electronically filed the foregoing order with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Christine M. Campbell, Kimberley A. Koester, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Richard Boone, II, #409976, Deerfield Correctional Facility, 1755 Harwood Rd., Ionia, MI 48846

s/ James P. Peltier
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